

South Manchester Law Centre

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Drop in service (no appointment needed) Monday, Wednesday and Friday 10 -- 12.30 only
Telephone Monday to Friday 10 - 1 & 2 - 4.30 except Thursday mornings when we are closed
please quote our reference in all correspondence. If telephoning please ask for

Our ref:

Your ref:

Date:

SS/Hysaj

28 March 2002

Grattan Puxon
1 John Harper Street
Colchester
Essex
CO1 1RP

Dear Mr. Puxon,

Re: Bujar Hysaj

I enclose a photo of Mr. Hysaj as per our conversation. I'd be grateful if you could confirm whether he is a Rom on the basis of his looks. If he is then I would be grateful if it could be added to the report and e-mailed to me at work. If there are any problems please give me a ring at home. The phone number is 0161-225-9415.

Yours sincerely,

Sukhdeep Singh



Staff: Chris Spencer Paul Morris Helen Steyne Angela Jones Sukhdeep Singh Nadia Siddiqui Parveen Bibi Koleman Leung Ruhiya Yousuf
Christina Heneghan Dorothy Bailey Martin Rathfelder

VAT no. 403 3286 85

Charity no. 1084530

Company no. 1930734

2001- Bujar Hysaj Human Rights Asylum



Home Office

Immigration and Nationality Directorate
Integrated Casework Directorate

Integrated Casework Directorate, P.O. Box 465, LEEDS, LS4 2UW
Telephone 0870 606 7766 Fax 0113 386 5700

Bujar HYSAJ

Date of Birth: **22.05.1971**

Nationality: **Federal Republic Yugoslavia**

Our Ref **H1023917**

Your Ref

H429543/2

Date **22.05.2001**

Dear Mr Hysaj,

REASONS FOR REFUSAL

1. You have applied for asylum in the United Kingdom on the grounds that you have a well-founded fear of persecution in the Federal Republic of Yugoslavia (Kosovo). In order to qualify for asylum under the terms of the 1951 United Nations Convention relating to the Status of Refugees, to which the United Kingdom is a signatory, an applicant must show that he has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.
2. The basis of your claim is that you fear reprisals from the Kosovan Liberation Army (KLA) as in March 1999 you were asked to join them and fight with them. You claim that you did not want to fight so you fled
3. The Secretary of State has considered your application but for the reasons given below has concluded that you do not qualify for asylum. The Secretary of State has therefore refused application which is recorded as being determined on 22.05.2001.
4. The Secretary of State has further considered whether your claim to have been ill treated in the Federal Republic of Yugoslavia (Kosovo) constitutes a breach of article 3 of the Human Rights Act 1998.
5. You have applied for asylum in the UK on the ground that you fear persecution from members of the KLA/UCK for refusing to participate in military activities against the FRY authorities. The Secretary of State has carefully considered your application but considers that in view of the de-militarization of the KLA/UCK on 20 September 1999 and the presence of the international peace-keeping force, KFOR, your fear of persecution is not well founded.
6. The Secretary of State has noted your claims that the KLA have been chasing people who refused to join them. The vast majority of the ethnic Albanian people who fled or were forced out of Kosovo during the earlier months of 1999 would not have been involved in the fighting, and the Secretary of State does not accept that you would be at

particular risk on account of your not having joined the KLA. In the event that you should be harassed by other Albanians you should rely on KFOR.

7. You applied for asylum in the United Kingdom on the grounds of the security situation in Kosovo prior to mid June 1999, at which time there existed a threat of persecution by the FRY authorities. The Secretary of State has carefully considered your application but is satisfied that the risk of persecution to the ethnic Albanian majority by the authorities of the Federal Republic of Yugoslavia has been removed with the establishment in Kosovo of an international peace-keeping force, KFOR. Indeed the United Nations High Commissioner for Refugees has been organising the repatriation of refugees back to Kosovo since 28 June 1999 and as of 30 July 1999 some 800,000 ethnic Albanians, representing 90% of those who fled Kosovo in 1998 and 1999, had already voluntarily returned to Kosovo.
8. You subsequently claimed that the current security situation in Kosovo is sufficient reason in your case, notwithstanding the presence of KFOR, to justify a grant of refugee status and that you have no housing or means of support there. The Secretary of State has carefully considered this claim. While he is aware that there are security difficulties in Kosovo, which the UN administration there is seeking to address, he has concluded that you would not be at risk of persecution for a Convention reason there. Moreover, having no suitable accommodation or means of support are not Convention reasons for granting a person asylum. Consequently, the Secretary of State has concluded that your fear of persecution is not well-founded.
9. The Secretary of State notes that you have never attended rallies or demonstrations, and that neither you nor any member of your family has ever been involved in any political activity or experienced any persecution or detention at the hands of the Federal Republic of Yugoslavian authorities. The Secretary of State concludes that you have not demonstrated that you are likely to be of adverse interest to the authorities should you return to the Federal Republic of Yugoslavia.
10. The Secretary of State is aware that on leaving Kosovo you fled to Albania, where you remained until October 1999. You claim that nothing happened to you whilst you remained there but you decided to leave as you feared the KLA members which were based in Albania. The Secretary of State can find no basis to substantiate your allegation that the KLA were actually based in Albania and therefore is of the opinion that you had nothing to fear there.
11. The Secretary of State notes that there are significant differences between your various accounts, and that these cast doubt on the credibility of your claim. You claim in your interview that you are a gypsy and that is why you fear returning to Kosovo. However, he notes that you make no mention of this fact in your Statement of Evidence. The Secretary of State considers that, had the events in your later account occurred as you claim, it would be reasonable to expect that you would have mentioned them at the earliest opportunity. He considers that your failure to do so seriously undermines the credibility of your claim to be a genuine asylum seeker in need of international protection, and he is of the opinion that you only claimed to be a gypsy at your interview in order to materially enhance your application.
12. The Secretary of State has also noted that you claim to have travelled overland across Europe to the United Kingdom from Albania. He considers it reasonable to expect a genuine asylum applicant to leave his country of origin and make his application at the first opportunity. The Secretary of State considers that you had the opportunity to seek refuge in one or more of the other countries you passed through, including the country

from which you crossed to England, and that your failure to do so is inconsistent with a person genuinely fleeing persecution, and casts considerable further doubt on the credibility of your claim to be in need of international protection.

13. In conclusion notwithstanding your account of events which you claim have occurred in the past, the Secretary of State considers that you have failed to give any evidence to show that you might be persecuted in the future.
14. In the light of all the evidence available to him and for the reasons given above, the Secretary of State is not satisfied that you have established a well-founded fear of persecution. Your application is therefore refused under paragraph 336 of HC 395 (as amended) and has been recorded as determined on 22.05.2001.
15. You have claimed that you will suffer ill treatment if you are returned to the Federal Republic of Yugoslavia but the Secretary of State does not consider that there are substantial grounds for believing that there is a real risk that you would face treatment contrary to Article 3.
16. You are now required to state any reasons for staying in the United Kingdom which were not previously disclosed. Please read the enclosed **One-Stop Notice** carefully. The reasons must be stated on the **Statement of Additional Grounds** attached to the **Notice of Appeal** and these should be returned together (with a copy of the **Reasons for Refusal letter** and the **Notice of Decision**) to the address given on the Notice of Appeal.
17. Help and advice on returning home can be obtained from the International Organisation for Migration. They can be contacted at:

26 Westminster Palace Gardens
Artillery Row
London
SW1P 1RR

Telephone: (020) 7233 0001
Fax: (020) 7233 3001

E-mail: varp@iomlondon.org
Website URL: www.iomlondon.org

Yours sincerely



Diane Gray
CMU L6
Integrated Casework Directorate

14

STATEMENT OF BUJAR HYSAJ

I am a national of the Federal Republic of Yugoslavia and am a Gypsy. I come from Kosova. I am a Majup which is the name given to settled Gypsies in Kosova. I am identifiably a Gypsy because of my dark skin. I come from generations of gypsies.

I come from Pulvar in the town of Ubilic. Pulvar is the name given to a small area in the town of Ubilic. This is an area of about 20 houses. I have lived here all my life. My parents and grandparents also come from this village. I lived in a house with mother, father, 2 brothers (aged 34 and 26/7) and 1 sister. I went to school for just a few years from the age of 6 to 9. I can only read and write a very few words. 12 of the houses in this area were occupied by Gypsies including ours.

I live with Valentine Hysaj. Valentine is an Albanian and comes from a moderately well off local Albanian family. I am not formally married to her even though we call each other husband and wife. I am not formally married to her because there is no way that a gypsy and an Albanian could have a formal marriage. We would only be able to go through the Gypsy way of marriage. This is just a celebration where the couple's extended gypsy families and friends, etc, get together and enjoy themselves. In Gypsy eyes once this celebration has occurred the couple are married. I have never heard of any court or other formal marriage ceremony being held.

I met Valentine in April 1998. I met her through my work. I am an occasional builder and was building a wall at her parent's house. I had seen her before as she lived locally but only started speaking to her after this time. We then started courting, in the only way we could. This was in total secret. We could not go out anywhere as a couple so used to meet a few times - maybe every 2 weeks or so - and talk. We always met at night and in total secret. Even my family did not know what I was doing.

Valentine and myself were aware that we were living very dangerously in that if any Albanian guessed that we were going out together I would have been killed and Valentine ostracised from Albanian culture.

Albanians would not have accepted our relationship because I am a Gypsy. Gypsies in Kosova are marginalized. Both the Albanians and the Serbs hate us. The Albanians locally hate us more because there are more of them here than the Serbs. Albanians have always assumed that we are on the side of the Serbs whereas the Serbs have just mostly ignored us. We have always been discriminated against and have always been given us the hardest jobs and the worst treatment. I am an occasional builder and worked more for Serbs than Albanians. I got better treatment from the Serbs rather than the Albanians. They gave us better jobs and better wages.

We never socialised with Albanians or Serbs. I have never been to a Serbian or Albanian house as a guest.

I only socialised with other gypsies.

I left Kosova in March 1999. 3 people came to the end of the garden at mid-morning. My parents, sister and myself were in the house. My brothers were not there. My father met them at the Garden gate and spoke to them. I asked him what they had spoken about and was told that they were from the KLA and had wanted the 3 sons to fight for them against the Serbs. My father said that they would probably accept one of us just to prove that our family was on their side and not the side of the Serbs.

My brothers and myself met later and it was agreed that they should flee and that I should remain behind to consider joining the KLA. I didn't want to do this (join the KLA) but wanted to have time to meet Valentine before I made a decision on what to do.

We hadn't really spoken to each other about our long term future but knew that it would not be in Kosova. I spoke to her on the evening that my brother had left and asked her to come with me away from Kosova. She agreed immediately and we then disappeared from Pulvar.

We cannot go back to Kosova both because of the fact that I am a Gypsy and also because of the fact that I am involved in a mixed marriage.

Finally I did not put down that I was a Gypsy on the initial statement that I sent in because I didn't tell anyone including my representative that I was a Gypsy. I finally told him a few days before the interview. I didn't tell him before because I was scared of letting the Albanian community in Manchester know that I was a Gypsy.

I am a Gypsy. This can be clearly seen by the darkness of my skin.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

27/2/02

translated by

A handwritten signature in black ink, featuring a large, stylized 'P' followed by a horizontal line.

For official
attach bar code
here



Statement of Evidence Form - SEF (Interview) -

A. INTRODUCTORY INFORMATION

1.	HO Reference	H1023917 H429543/2
2.	Port Reference	
3.	Name	HYSAY HYSAY
4.	Other Names	Buyar Buyar
5.	Nationality	Federal Republic of Yugoslavia (Kosovo)
6.	Date of Birth	22 nd May 1971
7.	Detention Centre/TA expiry date	
8.	Current Address	Flat 1 10 Ash Tree Road Crumpsall Manchester
9.	Last Address in Country of Origin	Polvar Village OBILIQ, Prishtina Manchester
10.	Interview Location	Leeds Waterside
11.	Interview Date	21.5.01.
12.	Interviewing Officer	Diane Gray
13.	Language of Interview	Albanian
14.	Dialect of Interview (where relevant)	
15.	Interpreter	Mr Galiza Galica
16.	Start Time	10.00am

Introduction

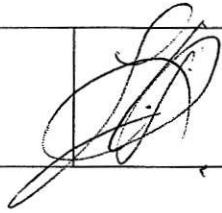
[Introduce yourself and the interpreter]

17.	Do you understand the interpreter?	Yes
18.	Are you ready to be interviewed in ? Albania	Yes
19.	Are you fit, well and ready to be interviewed today?	Yes
20.	Name of representative	—

02

I have had my name(s), nationality and date of birth read back to me and I declare that this information is true.

Signature of applicant:



Explanation of Procedures

If no SEF (Self-Completion) submitted explain the following:

You are being interviewed in connection with your asylum application in the UK. This is your opportunity to explain the reasons why you are claiming asylum and an opportunity for us to obtain all the information necessary to make a decision on your application. A decision will be made shortly but I cannot tell you what the decision will be at this stage.

If SEF (Self-Completion) submitted explain the following:

I have read all the information in the Statement of Evidence Form you sent us. There is no need for you to repeat this information today. This interview gives me the opportunity to ask you for some further details on the information in the form. You will also have the opportunity to add to, amend or clarify the information which you provided on the form.

Explain the following in all cases:

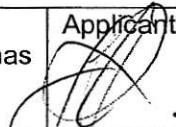

The information you give us will be treated in confidence. No information will be disclosed to the authorities of your own country. Information may, however, be disclosed to other government departments or agencies, local authorities, international organisations and other bodies to enable them to carry out their functions. Information may also be disclosed in confidence to the asylum authorities of other countries which may have responsibility for considering your claim.

Explanation of Representative's role (to be given where appropriate)

I would ask your representative not to interrupt during the course of the interview. If they wish to make any comments they will have the opportunity to do so at the end of the interview

Curtailment warning (in-country cases only)

Should your asylum application be refused and should you not qualify for leave to remain on any other basis your existing leave (and that of your dependants) may be curtailed and you (and your dependants) may be served with a notice of intention to deport. This is a routine warning which does not affect the determination of your claim for asylum. If there are any reasons, in addition to the reasons why you are claiming asylum, why you or your dependants should not be removed from the UK if your asylum claim is refused you should mention them during the course of the interview.

20.	To applicant: Do you understand what has just been explained to you?	Applicant's Initials: 	Officer's Initials: 
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B. INTERVIEW RECORD SHEET

No.	Question	Reply
1	Who completed the SEF/questionnaire you returned to us?	my Salvor.
2	So you are fully aware of its contents?	Yes.
3	Are you happy that it explains all the reasons why you wish to claim asylum?	Yes.
4	I note you claim that you live in Prishtina. have you always lived there?	Yes.
5	Can you name one of the major Kosovar Albanian newspapers?	Koha. R. Ziliqja, Demokracike.
	Repeat Question.	
6	What is the name of the largest hotel in Prishtina?	I can't know. The biggest hotel in Prishtina - I can't know.
7	What was your occupation in Kosovo?	We worked building trade, but we didn't work regularly; most of the times we just stayed. We were

B. INTERVIEW RECORD SHEET

No.	Question	Reply
1.	unemployed
8	What is your occupation now?	I am looking for a job. I could not find work because of the language barrier. I go seek work in Johore.
9.	Where did you attend school?	In Obilig
	address?	I know the name of the school, but I cannot remember the address.
10	What name?	Pandelisotiri.
11	Were you politically active?	NO - not at all.
12	Were any members of your family politically active?	NO.
13.	Did you agree with the aims of the KLA?	If I was I would have stayed there.

B. INTERVIEW RECORD SHEET

No.	Question	Reply
14	Why did you decide not to join the KLA?	I decided not to join the war is war, I wanted to survive.
15	What did you fear from the KLA?	When the trouble started I did not want to join KLA because no one guarantees you are going to live, so I escaped. I did not want to join KLA.
16	Were you personally ever physically harmed? Repeat question	NO. They came around and they spoke to my father. We were 3 brothers. They asked us to join KLA, then I escaped.
17	What date did you leave Kosovo?	I left in March. I do not the exact date, it took a few days to leave Kosovo.
18	Where did you go?	From there we crossed to Albania.
19	Did anything happen to you there?	NO, nothing happened. we just stayed there.

B. INTERVIEW RECORD SHEET

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No.	Question	Reply
20.	Why did you leave?	I had to leave. I escaped as I did not want to return in Kosovo and also I feared from KLA members based in Albania.
21	How did you travel to the United Kingdom?	From there we paid money to few guys who were arranging these trips. I paid in 2 Deutsch marks.
22	How much did you pay?	We paid 3-4000 Deutsch marks as I was also with my wife.
23	Is that each 3-4000 Deutsch marks.	For one person.
24	Where did you get the money?	We had the money from the savings.
25	Who did you travel with?	Can't remember how many people were with us. I was with my wife. I think there was 10 to 15 people travelling with us.

B. INTERVIEW RECORD SHEET

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No.	Question	Reply
26	How long did it take?	3 or 4 days. it was 3 nights.
27	How did you survive? Anything else	We existed, we had some water and bread. I did not know what you are saying.
28	Did you leave the How did you travel? What transport?	By lorry.
29	Did you leave the lorry at any time?	NO, until we arrived in Manchester. Said.
30	Did you travel through any other countries?	We travelled through some countries, but I do not know which countries. We went through since we left Albania. We been told to sit there. But I seen nothing.
31	What date did you arrive in the United Kingdom?	On 30 13th October

B. INTERVIEW RECORD SHEET

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08

No.	Question	Reply
32. #	What did you do when you arrived in the United Kingdom?	When I arrived here I went in Police Station in Manchester. They kept me for a while there I was given an address of Social Services.
33.	Where are your family? Here or Kosovo	Over there, I do not know anything about them.
34	Which members of your family are in the United Kingdom?	He has no-one, I don't know unless it is someone which I am aware of.
35	What do you fear if you have are returned to Kosovo?	I am a gypsy from Kosovo and I escaped because all of them left, many Albanians left.
36	Anything else you want to say	I can't return out there because no-one will protect me.

No.	Question	Reply
37	<p>Is there anything else you would like to add like to add in relation to your asylum claim that was not mentioned in your Statement of Evidence and that has not been discussed today ?</p>	<p>only what I said early on that I am a gypsy from Kosovo and I think I didn't not mention this before that is why I have fear to return to Kosovo.</p>

C. CONCLUDING QUESTIONS

Have you any further comments?

Over there I won't have the protection before we lived altogether we were minority in Kosovo there were 70% Albanians and there were also 30% Serbs. We are considered over there as black. They blame us that we co-operated Serbs, but I did not personally co-operate with anyone.

Are there any other reasons other than those you have told me about during this interview why you wish to remain in the United Kingdom?

This is it I have not got any other reasons. Cannot return. because God knows what will happen to me.

Has your representative any comments? (if applicable)

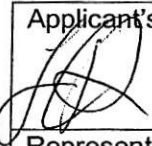
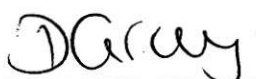



D. FINAL PAGE

Cases where Self-Completion SEF submitted

Applicant's Declaration

I have been informed that the purpose of this interview was to obtain further details on the information which I provided in the Self-Completion SEF. I have understood the questions put to me and was given the opportunity at the end of the interview to make further comments.

Applicant's Signature 	Officer's Signature 
Representative's Signature	

Interviewer's comments (if any)


Interview concluded at: 10.50.
